

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

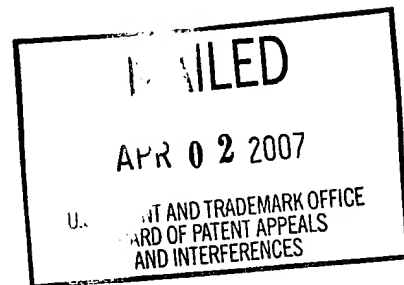
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*Ex parte* NOEL TENORIO

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Application 09/750,617  
Technology Center 3600

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on January 10, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, this application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

The Examiner issued an Examiner's Answer which was mailed July 3, 2006. The content listed under the heading **"(8) Evidence Relied Upon"** fails to identify the relevant reference evidence cited in the 35 U.S.C. §§ 102(e) and 103(a) rejections currently on appeal.

*See the Manual of Patenting Examining Procedure (MPEP) § 1207.02(A)(8).*

Application 09/750,617

Before further review, the examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) § 1207.02. Appropriate correction is required.


The USPTO received an Information Disclosure Statement (IDS) submitted by Appellant on June 22, 2004. It is not clear from the record whether the Examiner considered the IDS or whether the Examiner notified Appellant of why their submission did not meet the criteria set forth in 37 C.F.R. §§ 1.97 and 1.98. Clarification is required.

Accordingly, it is **ORDERED** that the application is returned to the Examiner to:

- 1) issue and mail a PTOL-90 having the missing references listed under the Evidence Relied Upon section, heading (8) of the Examiner's Answer;
- (2) to acknowledge the IDS received by the Office on June 22, 2004;
- (3) to notify Appellant of said written consideration of the IDS, have communication scanned into the record; and
- (4) for such further action as may be appropriate.

Application 09/750,617

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
(571) 272-9797

*i2 TECHNOLOGIES US, INC.  
ONE i2 PLACE, 11701 LUNA ROAD  
DALLAS, TX 75234*

PJN/hh